

REMARKS

This responds to the Office Action issued on January 21, 2010. Claims 1-55 have been canceled. New claims 56-69 have been added. Reconsideration is respectfully requested in view of the following remarks.

Independent claims 1, 48 and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0192282 (Vasudevan) in view of U.S. Patent No. 5,008,814 (Mathur), in view of U.S. Publication No. 2004/0243993 (Okonnen) and further in view of U.S. Publication No. 2003/0046676 (Cheng). As previously stated in its response to the Final Office Action, the Applicant disagrees with the rejections. Nonetheless, to expedite prosecution of the instant application, claims 1-55 are cancelled without prejudice and without disclaimer of subject matter, and new claims 56-69 are added.

The Applicant submits that new claims 56-69 are patentably distinct from the cited references.

Independent claim 56 is directed towards a method of updating a mobile device having a baseline configuration stored in a mobile device memory, and independent claim 63 is directed towards a mobile device comprising update manager software. Among other distinctions, the cited references fail to disclose “evaluating the update data to determine whether it contains valid update data.” For example, Okonnen merely discloses detecting an update to firmware/software when the mobile handset powers up or is rebooted. Okonnen fails to disclose, however, that update data is evaluated during initialization of the mobile device to determine whether it contains valid update data. Accordingly, independent claims 56 and 63 are patentably distinct from the cited references.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. M. Sauer', written over a horizontal line.

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